



**PLANNING COMMISSION SPECIAL MEETING
THURSDAY, JANUARY 27, 2022**

THE PLANNING COMMISSION WILL HOLD THIS MEETING USING A VIRTUAL ZOOM WEBINAR PLATFORM. MEMBERS OF THE PUBLIC WHO DO NOT WISH TO VIEW THE MEETING VIA THE CITY'S WEBSITE STREAMING WILL BE ABLE TO CALL IN TO THE ZOOM MEETING.

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AGENDA

**1. CALL TO ORDER/LAND ACKNOWLEDGMENT/AGENDA REVIEW/CONFLICT
DISCLOSURE - 6:00 PM**

We would like to begin by acknowledging that the land on which we gather is within the ancestral territory of the Suquamish, "People of Clear Salt Water." Expert fishermen, canoe builders and basket weavers, the Suquamish live in harmony with the lands and waterways along Washington's Central Salish Sea as they have for thousands of years. Here, the Suquamish live and protect the land and waters of their ancestors for future generations as promised by the Point Elliot Treaty of 1855.

2. PLANNING COMMISSION MEETING MINUTES - 6:05 PM
Review and approve meeting minutes.

2.a (6:05 PM) Review and Approve Meeting Minutes 5 Minutes
[DRAFTMinutes011322.pdf](#)

3. PUBLIC COMMENT - 6:15 PM

4. UNFINISHED BUSINESS - 6:20 PM

- 4.a **(6:20 PM) Review Ordinance No. 2022-02 (formerly 2021-38) to Implement Increased Density Bonus for Affordable Housing Development on Property Owned by Religious Organizations** 45 Minutes
[Staff Memo.docx](#)
[Ordinance No. 2022-02 \(formerly 2021-38\) Relating to Affordable Housing on Religious Properties.docx](#)
[Exhibit A Use Table 18.09.020.pdf](#)
[RCW 36.70A.545 Increased density bonus for affordable housing located on property owned by a religious organization.pdf](#)
[Map of Winslow Sewer & WMP areas.pdf](#)

5. **NEW BUSINESS - 7:05 PM**

- 5.a **(7:05 PM) PSE Noise Variance- WSDOT SR 305 right-of-way near the intersection of NE Adas Will Ln. (City file no. PLN52157 VAR PSE Noise Variance)** 15 Minutes
[PLN52157 VAR PSE site plan adjacent to NE Adas Will Ln.pdf](#)
[PLN52157 VAR PSE Parcel Map 300 Feet.pdf](#)

6. **PLANNING DIRECTOR'S REPORT - 7:20 PM**

(7:20 PM) Receive the Report Presentation of the Interim Director of the Planning & Community Development Department

- 6.a **Director's Report** 15 Minutes
[PCD Director's Report_01272022.pdf](#)

7. **FOR THE GOOD OF THE ORDER - 7:30 PM**

8. **ADJOURNMENT - 8:00 PM**

GUIDING PRINCIPLES

Guiding Principle #1 - Preserve the special character of the Island, which includes downtown Winslow's small town atmosphere and function, historic buildings, extensive forested areas, meadows, farms, marine views and access, and scenic and winding roads supporting all forms of transportation.

Guiding Principle #2 - Manage the water resources of the Island to protect, restore and maintain their ecological and hydrological functions and to ensure clean and sufficient groundwater for future generations.

Guiding Principle #3 - Foster diversity with a holistic approach to meeting the needs of the Island and the human needs of its residents consistent with the stewardship of our finite environmental resources.

Guiding Principle #4 - Consider the costs and benefits to Island residents and property owners in making land use decisions.

Guiding Principle #5 - The use of land on the Island should be based on the principle that the Island's environmental resources are finite and must be maintained at a sustainable level.

Guiding Principle #6 - Nurture Bainbridge Island as a sustainable community by meeting the needs of the present without compromising the ability of future generations to meet their own needs.

Guiding Principle #7 - Reduce greenhouse gas emissions and increase the Island's climate resilience.

Guiding Principle #8 - Support the Island's Guiding Principles and Policies through the City's organizational and operating budget decisions.



Planning Commission meetings are wheelchair accessible. Assisted listening devices are available in Council Chambers. If you require additional ADA accommodations, please contact the Planning & Community Development Department at (206) 780-3750 or pcd@bainbridgewa.gov by noon on the day preceding the meeting.

Public comment may be limited to allow time for the Commissioners to deliberate. To provide additional public comment, email your comment to pcd@bainbridgewa.gov or mail it to Planning and Community Development, 280 Madison Avenue North, Bainbridge Island, WA 98110.



CITY OF
BAINBRIDGE ISLAND

Planning Commission Special Meeting Agenda Bill

MEETING DATE: January 27, 2022

ESTIMATED TIME: 5 Minutes

AGENDA ITEM: (6:05 PM) Review and Approve Meeting Minutes

SUMMARY: Draft minutes from 01/13/2022 meeting

AGENDA CATEGORY: Minutes

PROPOSED BY: Planning & Community Development

RECOMMENDED MOTION: I move to approve the minutes from the January 13, 2022 Planning Commission as presented.

STRATEGIC PRIORITY:

FISCAL IMPACT:

Amount:	
Ongoing Cost:	
One-Time Cost:	
Included in Current Budget?	

BACKGROUND:

ATTACHMENTS:

[DRAFTMinutes011322.pdf](#)

FISCAL DETAILS:

Fund Name(s):

Coding:



Planning Commission Special Meeting January 13, 2022 Meeting Minutes

1) CALL TO ORDER/LAND ACKNOWLEDGMENT/AGENDA REVIEW/CONFLICT DISCLOSURE

Interim Chair William Chester called the meeting to order at 6:00 PM. Commissioners in attendance were Sarah Blossom, Ashley Mathews and Yesh Subramanian. City Staff present were Planning & Community Development Interim Director Mark Hoffman, Senior Planner Jennifer Sutton, Administrative Specialist Maria Dozeman who monitored recording and prepared minutes.

The Land Acknowledgement was read, and the agenda reviewed. No conflicts were disclosed.

3) PUBLIC PARTICIPATION MEETING

3.a Puget Sound Energy (PSE) Proposal for Future Comprehensive Plan Amendments and Rezone Applications (file number PLN 52101)

[Cover Page](#)

[PSE Comprehensive Plan Amendment Preapplication Narrative.pdf](#)

Presentation by Senior Planner Jennifer Sutton who also introduced project applicant Puget Sound Energy (PSE)

Presentation by Kerry Kriner, Senior Land Planner and Andy Swayne, Senior Municipal Liaison Manager from PSE. Barry Lombard from PSE joined but did not present.

Discussion

Commissioner Lisa Macchio joined the meeting during this presentation.

Public Comment

Ron Peltier - Suggests PSE plan a route that removes fewer trees in exchange for more reliability.

Kathy and Tom Hansen - Support proposal and understand why a substation would not be zoned residential.

Tom Hansen - Supports questions that Commissioners have asked and would like to see Pros and Cons articulated further.

Kevin Miller - Would like to know what the tangible benefit to PSE to redesignating to BI.

4) PLANNING COMMISSION MEETING MINUTES

4.a Review and Approve Minutes for November 18, 2021

[Cover Page](#)

Motion: I move to approve the minutes as distributed.
Blossom/Matthews: Passed Unanimously

5) PUBLIC COMMENT

David Swartling - supports moving forward with draft ordinance proposed by Bethany Lutheran
Maria Metzler - supports affordable housing

2) ELECT CHAIR AND VICE CHAIR OF THE PLANNING COMMISSION

Cover Page

Motion: I move to appoint Sarah Blossom as chair to the Planning Commission for 2022

Matthews/ Subramanian: Passed Unanimously

Motion: I move to appoint Ashley Matthews as Vice Chair to the Planning Commission for 2022

Subramanian /Blossom: Passed Unanimously

6) UNFINISHED BUSINESS

6.a Review Ordinance No. 2022-02 (formerly 2021-38) to Implement Increased Density Bonus for Affordable Housing Development on Property Owned by Religious Organizations

Cover Page

Staff Memo.docx

RCW 36.70A.545 Increased density bonus for affordable housing located on property owned by a religious organization.pdf

Ordinance No. 2022-02 (formerly 2021-38) Relating to Affordable Housing on Religious Properties.docx

Exhibit A Use Table 18.09.020.pdf

Presentation by Senior Planner Jennifer Sutton.

Jonathan Davis - presentation.

Discussion

Public Comment

Ron Peltier - Concerned about project applicant helping write code. Concerned community isn't aware of this upcoming project.

Talis Abolins – Lives adjacent to the property and concerned about developing capacity with no limits, spot zoning and that an applicant gets to help create an ordinance. What if churches start partnering with developers. What will stop churches from purchasing adjacent properties. Concerned about precedent and that there aren't limits to the density.

Motion: I move to schedule a public hearing on Ordinance No. 2022-02 for the Planning Commission meeting on February 10, 2022.

Matthews/Chester: Passed Unanimously

7) **NEW BUSINESS – None**

8) **PLANNING DIRECTOR'S REPORT**

8.a Director's Report

[Cover Page](#)

[Director's Report_01132022.pptx](#)

Presentation

9) **FOR THE GOOD OF THE ORDER**

10) **ADJOURNMENT**

The meeting was adjourned at 8:56 PM

Sarah Blossom, Chair

Maria Dozeman, Administrative Specialist



CITY OF
BAINBRIDGE ISLAND

Planning Commission Special Meeting Agenda Bill

MEETING DATE: January 27, 2022

ESTIMATED TIME: 45 Minutes

AGENDA ITEM: (6:20 PM) Review Ordinance No. 2022-02 (formerly 2021-38) to Implement Increased Density Bonus for Affordable Housing Development on Property Owned by Religious Organizations

AGENDA CATEGORY: Ordinance

PROPOSED BY: Jennifer Sutton

PREVIOUS PLANNING COMMISSION

REVIEW DATE(S): November 18, 2021, January 13, 2022

PREVIOUS COUCIL REVIEW DATE(S): October 26, 2021

RECOMMENDED MOTION:

I move to confirm holding the public hearing on Ordinance No. 2022-02 that has been scheduled for the Planning Commission meeting on February 10, 2022.

OR

I move cancel the February 10, 2022 public hearing and replace it with additional discussion on Ordinance No. 2022-02 for the Planning Commission meeting on February 10, 2022.

SUMMARY:

The purpose of this agenda item is for the Planning Commission to continue review of Draft Ordinance No. 2022-02 (attached), which amends several sections of the City's zoning regulations consistent with local needs, as directed in the October 26, 2021 motion. This Draft ordinance implements what is intended by RCW 36.70A.545 (attached) and as directed by the City Council, specifically to focus on the Bethany Lutheran property as a pilot project.

The Planning Commission discussed the draft ordinance at their meeting on January 13, 2022. That discussion concluded with direction to staff to update the ordinance to integrate additional development standard requirements into the draft ordinance and to cap the pilot project density at 24 dwelling units. The draft ordinance has been updated to reflect that Planning Commission direction.

BACKGROUND: As described in more detail in the staff memorandum attached with this agenda item, in 2019, the Washington State Legislature approved Substitute House Bill (SHB) 1377 which would facilitate affordable housing projects on properties owned or controlled by eligible religious organizations. The law facilitates affordable housing

development by requiring a density bonus, subject to certain conditions. Although current City affordable housing regulations allow a certain amount of affordable housing on properties owned or controlled by religious organizations, including via a density bonus (see staff memo), it is recommended that the City enact regulations to implement the purpose and intent of the 2019 legislation. The applicable state law provision is RCW 36.70A.545 (see attached). Such development is supported by the City's Comprehensive Plan, specifically Housing Element Policy HO 3.4.

Policy HO 3.4 Partner with non-profit housing organizations, churches, the development community, local lending institutions, elected officials and the community at large to assist in meeting affordable housing goals and implementing strategies.

On October 26, 2021, the City Council discussed this topic and passed the following motion (6-1) to refer this topic to the Planning Commission:

I move to refer this topic to the Planning Commission to work with City staff to prepare an ordinance to effectuate what is intended by RCW 36.70A.545, including to develop implementing regulations consistent with local needs, specifically to focus on the Bethany Lutheran property and to consider that as a pilot project.

Included in the staff memo as background information: existing City affordable housing regulations, and links to programs that other jurisdictions have developed to implement RCW 36.70A.545.

ATTACHMENTS:

Memorandum

Date: January 27, 2022

To: Planning Commission

From: Jennifer Sutton, AICP, Senior Planner

Subject: Discuss Ordinance No. 2022-02 (formerly 2021-38) Increased Density Bonus for Affordable Housing Development on Property Owned or Controlled by Religious Organizations

I. MEETING PURPOSE

The purpose of tonight's Planning Commission discussion is to continue review of revised Draft Ordinance No. 2022-02 (attached), which amends several sections of the City's zoning regulations, as directed in the October 26, 2021 motion. The Draft ordinance has been revised to reflect January 13 direction from the Planning Commission.

Draft Ordinance No. 2022-02 implements what is intended by (1) [RCW 36.70A.545](#) to provide a density bonus for any affordable housing development located on property owned by a religious organization, and (2) directed by the City Council on October 26, 2021, specifically to focus on the Bethany Lutheran Church property as a pilot project.

Bethany Lutheran Properties Bethany Lutheran Church owns 2 properties totaling 8.43 acres located at the southwest intersection of NE High School Road and Sportsman Club Road NE. The properties are zoned R-0.4, which yields a base density of 4 dwelling units. It is located across Sportsman Club Road NE from the R-2 Zone and Winslow Sewer Service Area. Bethany Lutheran Church currently hosts a Kitsap Transit Park and Ride lot, and there is a separated multiuse path along the eastern portion of the property (Sportsman Club Road NE). Bike lanes and sidewalks are on NE High School Road, east of the Sportsman Club Road NE intersection.



II. Draft Ordinance 2022-02

Ordinance 2022-02 adds a new type of land use, *Bethany Lutheran Affordable Housing Pilot Project*, to the Permitted Use Table, BIMC Table 18.09.020 (see Exhibit A) and new and updated Use Specific Standards in sections BIMC 18.09.030.B and C. This new use is added only to the R-0.4 zone, which is the zoning designation for the 2 properties that make up the Bethany Lutheran Church (see Exhibit A). The draft regulations describe that projects which are processed pursuant to [RCW 36.70A.545](#) and must meet any applicable land use and environmental procedures and regulations for BIMC Titles 15, 16, 17, and 18, unless modified by the proposed pilot project regulations, see Ordinance No. 2022-02, new BIMC Section 18.09.030.B.6.b.

Other Standards included by Reference

The additional regulations proposed for a *Bethany Lutheran Affordable Housing Pilot Project* are in addition to underlying land use permitting requirements in BIMC Chapter 2.16 (proposed ordinance new BIMC Section 18.09.030.B.6.a) and any applicable land use regulations for BIMC Titles 15, 16, 17, and 18 (proposed ordinance new BIMC Section 18.09.030.B.6.b). Examples of BIMC development standards that would apply to a future *Bethany Lutheran Affordable Housing Pilot Project* are:

- Stormwater Management (Chapter 15.20)
- Transportation Concurrency (Chapter 15.32)
- Critical Areas (Chapter 16.20)
- Setbacks, building height (Table 18.12.020.-2)
- Roadside buffers (18.15.010.E)
- *Design for Bainbridge* design guidelines (18.18)
- Permitting Fees (Fee Schedule)

Revisions to Draft Ordinance No. 2022-02

As directed by the Planning Commission, City staff collaborated with architect Jonathan Davis to amend the Draft ordinance to require other desired features from other sections of the BIMC. The Draft ordinance has been revised to reflect January 13 direction from the Planning Commission in the following ways (indicates proposed code section in ordinance):

- Clarified project bonus density by adding maximum project density of 24 dwelling units (B.6.c).
- Clarified that the rental or sales price may not exceed 30% of the cost for low-income households. Added provision from RCW 36.70A.545(1)(b) that the units should be affordable for fifty years (B.6.d).
- Clarified language on parking requirements, added bike parking and guest parking requirements (B.6.e).
- Added maximum dwelling unit size of 1600 square feet, same as the HDDP program (B.6.f).
- Added requirement for green building certification (B.6.g).
- Added requirement for 5% of lot area to be designed as integrated community space, similar to community space description in subdivision code. The amount, 5%, is the same requirement for the R-0.4 zone as in subdivision standards (BIMC Table 17.12.070-1) (B.6.h).

III. Public Comment

The Planning Commission took public comment on the draft ordinance at both the November 18, 2021 and January 13, 2022 meetings. Staff responses to issues identified during by commenters are below.

Is this ordinance “spot zoning”?

The City Attorney has reviewed [RCW 36.70A.545](#) (attached) and other relevant state law, and supported the City Council beginning the development of an ordinance that implements [RCW 36.70A.545](#) to allow an increased density bonus for developing affordable housing on property owned by a religious organization. The City has received a request for such a development from Bethany Lutheran Church (pursuant to [RCW 36.70A.545\(2\)](#)). During that preliminary review, the City Attorney has not raised a concern about spot zoning. The City Attorney will review the version of Ordinance No. 2022-02 that the Planning Commission recommends to the City Council, prior to City Council review.

Although this ordinance is a “Pilot Project” for Bethany Lutheran Church, does this ordinance set a precedent set for other religious entities on BI?

Perhaps a precedent will be set by this ordinance, however staff is unaware of any similar efforts at other religious institutions. Bethany Lutheran Church has been considering this type of project for about a decade. The City Council considered moving forward with a general ordinance, but their final motion on October 26, 2021 was to create an ordinance specific to Bethany Lutheran Church at this time. Aside from the Bethany Lutheran specific maximum density, the current draft of the ordinance would otherwise work for these types of projects on other religious-owned projects. In the future, the City Council could direct the ordinance to be amended to apply more broadly or to additional projects.

Density Bonus

Draft Ordinance No. 2022-02 implements what is intended by (1) [RCW 36.70A.545](#) to provide a density bonus for any affordable housing development located on property owned by a religious organization. The first draft of the ordinance had left the density bonus provisions open ended. The revised Draft Ordinance No. 2022-02 prepared for the January 27, 2022 Commission meeting clarifies the bonus density allowed for this pilot project and makes clear that a maximum of 24 dwelling units are allowed for the *Bethany Lutheran Affordable Housing Pilot Project* (Section B.6.c). Given the 8.43 acres property size, 24 dwelling units would equate to one unit per 15,300 square feet, which is approximately the density of the R-2.9 zone (one unit per 15,000 square feet). Adjacent Zoning to the Bethany Lutheran Church property is: East: R-2; West & North: R-0.4; Southwest: R-1 (see attached map of Winslow area).

Water

Drinking water must be provided for any future dwelling units. The drinking water requirements for a would not be any different for a *Bethany Lutheran Affordable Housing Pilot Project* than any other proposed development. Any future project must provide drinking water for future dwelling units (see proposed Code section B.6.b). Bethany Lutheran Church is served by the City’s Drinking Water system.

The Critical Area regulations (BIMC Chapter 16.20) apply to any development proposed through this ordinance (see above list of existing applicable regulations). The Bethany Lutheran Church property does not contain any identified critical areas such as streams, wetlands, geologically hazardous areas or buffers, so the only section of the Critical Area regulations that will apply to a *Bethany Lutheran Affordable Housing Pilot Project* is the Aquifer Recharge Protection Area (ARPA) provisions of BIMC 16.20.100). Although there are no critical area buffers upon the Bethany Lutheran Church property, across Sportsman Club Road, east of Bethany Lutheran Church, there is a stream and buffer. The stream buffer (see green shaded area at right) does not cross Sportsman Club Road. Stormwater management regulations will address water quality of any stormwater runoff.

Traffic



Transportation concurrency and analysis requirements and regulations (BIMC Chapter 15.32) would apply to any development proposed through this ordinance in the same way that regulations would apply to any other development of the same size/ type (see above list of existing applicable regulations).

Consistency with [Comprehensive Plan](#)

There was a comment that the nature of the ordinance was inconsistent with the City's [Comprehensive Plan](#) because the church property does not comply with the City's growth strategy because it is in the *Conservation Area* (see [Land Use Element Figure LU-3, and public comment reference to Policy LU 1.2 below](#)). Staff has previously cited the [Housing Element in general and Policy HO 3.4 \(below\)](#) as explicit support for Draft Ordinance 2022-02.

Although the Bethany Lutheran Church property is within the *Conservation Area* and zoned R-0.4, it is located on the edge of the greater Winslow area, approximately 730 feet from the Winslow Master Plan Study Area and 425 feet from the Winslow sewer service area boundary. It's location and proximity to businesses and schools is one reason why the City has supported recent improved non-motorized transportation facilities along the Church roadside frontage and nearby. The location and the extent of clearing and existing development at the Church property results in this property not "fitting" the *Conservation Area* policies of the [Comprehensive Plan](#).

Just like the many goals of the Growth Management Act ([RCW 36.70A.020](#)) are equal in importance, and not prioritized, it must be acknowledged that the City's [Comprehensive Plan](#) is a guiding document, and that there is unlikely to be any property on Bainbridge Island that is able to satisfy the variety of goals and policies of the [Comprehensive Plan](#) at the same time. City staff, the Planning Commission and Council must consider whether this ordinance overall is more consistent than not with the wide-ranging [Comprehensive Plan](#) as a whole, for instance [Guiding Principles # 3 and 6 \(see Introduction\)](#), [Economic Element](#) and [Human Services Element](#)

Additionally, the relatively new state law [RCW 36.70A.545](#) to promote the construction of affordable housing was added to the state [Growth Management Act RCW 36.70A](#). The Act requires that communities that plan balance environmental protect with development, and state planning law has been amended several times in recent years to better address the now well-established housing crisis.

Policy HO 3.4 Partner with non-profit housing organizations, churches, the development community, local lending institutions, elected officials and the community at large to assist in meeting affordable housing goals and implementing strategies.

Policy LU 1.2 Outside of Winslow and the Designated Centers, the Island has a rural appearance with forested areas, meadows, farms and winding, narrow, heavily vegetated roadways. These characteristics represent an important part of the Island's special character that is so highly valued by its residents. As important as preserving Island character is to its residents, of equal importance is the protection of the Island's environmentally sensitive areas. These outlying areas contain much of the Island's sensitive areas – the major recharge areas for the Island's aquifers, wetlands and streams that serve a variety of important functions. Much of the area serves as fish and wildlife habitat. There is strong public support to encourage a pattern of development that preserves and protects this portion of the Island.

IV. Background

In 2019, the Washington State Legislature enacted Substitute House Bill (SHB) 1377 to facilitate the development of affordable housing projects on property owned or controlled by religious organizations. As

above referenced, the applicable state law provision is [RCW 36.70A.545](#). The law facilitates affordable housing development by requiring a density bonus, subject to certain conditions. Such development is supported by the City's Comprehensive Plan, specifically [Housing Element Policy HO 3.4](#).

Policy HO 3.4 Partner with non-profit housing organizations, churches, the development community, local lending institutions, elected officials and the community at large to assist in meeting affordable housing goals and implementing strategies.

The City Council considered this topic at this time because at least one religious organization (Bethany Lutheran) has expressed interest to the City in potentially pursuing an affordable housing project under this relatively new law. On October 26, 2021 the Council approved the following motion:

I move to refer this topic to the Planning Commission to work with City staff to prepare an ordinance to effectuate what is intended by RCW 36.70A.545, including to develop implementing regulations consistent with local needs, specifically to focus on the Bethany Lutheran property and to consider that as a pilot project.

Although current City affordable housing regulations allow a certain amount of affordable housing on properties owned or controlled by religious organizations, including via a density bonus, [RCW 36.70A.545](#) states, in part, that applicable cities and counties “must allow an increased density bonus consistent with local needs for any affordable housing development of any single-family or multifamily residence located on real property owned or controlled by a religious organization provided that ...” certain requirements are met.

The law requires an increased density bonus as described, but it does not specify the amount of such an increase, nor in which zoning areas in the City that such an increase must occur. Based on research and analysis conducted by the City Attorney, it is recommended that the City adopt regulations via an ordinance to implement the purpose and intent of [RCW 36.70A.545](#), including to provide clarity on how such development will be “consistent with local needs” as provided for in [RCW 36.70A.545](#).

V. NEXT STEPS:

The Planning Commission is tasked with reviewing Ordinance No. 2022-02, holding a public hearing on the ordinance, and eventually, providing a recommendation to the City Council on the ordinance. The City Council will then take up the ordinance for its own review and decision

On January 13, 2022, the Planning Commission scheduled a public hearing on Ordinance No. 2022-02 for the Planning Commission meeting on February 10, 2022. At the end of the discussion on January 27, the Planning Commission would either:

1. Confirm any additional changes to the ordinance to finalize the “Public Hearing Draft” of the ordinance for the February 10, 2022 public hearing, or;
2. Cancel the scheduled February 10 public hearing, and instead schedule additional discussion on Ordinance No. 2022-02 at a future meeting.

ORDINANCE NO. 2022-02
(formerly Ordinance No. 2021-38)

AN ORDINANCE of the City of Bainbridge Island, Washington, amending BIMC Table 18.09.020 and section 18.09.030, related to affordable housing on property owned by religious organizations.

WHEREAS, in February 2017, the City Council approved the periodic update to the City's Comprehensive Plan, adding Housing Element *Policy HO 3.4 Partner with non-profit housing organizations, churches, the development community, local lending institutions, elected officials and the community at large to assist in meeting affordable housing goals and implementing strategies*; and

WHEREAS, in 2019, the Washington State Legislature enacted Substitute House Bill (SHB) 1377 to facilitate the development of affordable housing projects on property owned or controlled by religious organizations; and

WHEREAS, the applicable state law provision implementing SHB 1377 is RCW 36.70A.545 and the law facilitates affordable housing development on property owned or controlled by religious organizations by requiring a density bonus; and

WHEREAS, the City Council became aware of an ongoing discussion about constructing affordable housing on the Bethany Lutheran Church properties, and on April 20, 2021, the City Council endorsed moving forward with implementing SHB 1377 in advance of completing a Housing Action Plan; and

WHEREAS, on October 26, 2021, the City Council approved a motion to direct the Planning Commission to work with staff to prepare an ordinance to develop implementing regulations consistent with local needs, specifically to focus on the Bethany Lutheran property and to consider that as a pilot project to implement RCW 36.70A.545; and

WHEREAS, the Planning Commission considered draft Ordinance No. 2022-02 (formerly 2021-38) on November 18, 2021 and January 13, 2022; and

WHEREAS, the Planning Commission held a public hearing on Ordinance No. 2022-02 (formerly 2021-38), on XXXX, and after closing the public hearing, made a recommendation of XXX of Ordinance No. 2022-02 (formerly 2021-38) to the City Council; and

WHEREAS, notice was given on XXXX, to the Office of Community Development at the Washington State Department of Commerce in conformance with RCW 36.70A.106; and

WHEREAS, on XXXX, the City Council reviewed Ordinance No. 2022-02; and

WHEREAS, on XXXX, the City Council approved Ordinance No. 2022-02.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BAINBRIDGE ISLAND, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Table 18.09.020 of the Bainbridge Island Municipal Code is hereby amended as shown in Exhibit A.

Section 2. Section 18.09.030.B. of the Bainbridge Island Municipal Code is hereby amended to read as follows:

B.6. Bethany Lutheran Affordable Housing Pilot Project (Pilot Project): In order to implement RCW 36.70A.545, the City will allow affordable housing that exceeds the R-0.4 base density to be planned and constructed on properties collectively known as “Bethany Lutheran Church” located at the southwest intersection of NE High School Road and Sportsman Club Road NE (see Figure 18.09.030-1 below) as a pilot project. This pilot project must meet the requirements listed below and the provisions of RCW 36.70A.545.

- a. The affordable housing proposal shall follow existing land use permit review procedures depending on what type of housing development is proposed. Multifamily housing would be reviewed through the Site Plan and Design Review process of Section 2.16.040 BIMC and subdivision would be reviewed through the short or long subdivision process of Sections 2.16.070 or 2.16.125 BIMC (respectively).
- b. The affordable housing proposal shall be subject to applicable residential development standards for Titles BIMC 15, 16, 17 and 18, unless specifically modified by this section. The affordable housing project must meet all requirements of the City and/or Kitsap Public Health District for providing drinking water or on-site septic to Bethany Lutheran Church and future housing units.
- c. Project bonus density. The maximum residential density is 24 dwelling units.
- d. Affordable Housing. All dwelling units planned and constructed through this Pilot Project is required to be sold or rented to households at or below low-income, 80% Area Median Income (AMI, see BIMC 18.21.020.A) for fifty years, as required by RCW 36.70A.545. The sales price or rent amount (including utilities other than telephone and cable TV) cannot exceed 30% of the income limit for the low-income housing units (RCW 36.70A.545(7)(a), BIMC 18.36.030). The City shall require documentation be signed and recorded through the land use and building permitting process to ensure ongoing compliance with the income requirements.
- e. Parking. One car parking space and two covered bike parking spaces per dwelling unit is required. One guest parking space for every five dwelling

units is required. A parking study that analyzes how the existing uses on the site meet parking requirements shall be submitted with the land use permit.

- f. The maximum dwelling unit size is 1600 square feet.
- g. Green building. The dwelling units must be meet a green building certification standard of LEED Silver, BuiltGreen 4, or Evergreen Sustainable Development. The certification program must utilize third-party verification.
- h. Community space. At least 5% of the total lot area shall be provided as community space to provide a place for residents to gather in shared space. Community space should adjoin the largest practicable number of residences within the development. Nonadjoining residences shall be provided with safe and convenient pedestrian access to community space. The community space must be outside of required roadside buffers. The community space must include a neighborhood garden area, and could include other community amenities such as seating, playground or other recreation features.
- i. This affordable housing project may be proposed and constructed on the same property(ies) as the existing church, resulting in a permitted mixed use property.

Figure 18.09.030-1



Section 3. Section 18.09.030.C. of the Bainbridge Island Municipal Code is hereby amended to read as follows:

3. Religious Facilities.

- a. In the WD-I district, religious facilities are a conditional (“C”) use. Conference centers with overnight accommodations are not permitted.
- b. In the ferry terminal overlay district, religious facilities are only allowed south of Winslow Way.
- c. Lot coverage for religious facilities in residential zones is reduced by 50 percent of the allowable lot coverage in the zone where the religious facility is located. See Table 18.12.020-2 for lot coverage standards in residential zones. This lot coverage reduction does not apply to the Bethany Lutheran Affordable Housing Pilot Project, as described in Section 18.09.030.B.6 BIMC.

Section 4. Severability. Should any section, paragraph, sentence, clause, or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 5. This ordinance shall take effect and be in force five (5) days from its passage and publication as required by law.

PASSED by the City Council this XXX.

APPROVED by the Mayor this XXX.

ATTEST/AUTHENTICATE:

Christine Brown, CMC, City Clerk

FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL:
PUBLISHED:
EFFECTIVE DATE:
ORDINANCE NUMBER:

Exhibit A to Ordinance No. 2022-02

EXCERPT Table 18.09.020 Use Table

“P” = Permitted Use	“A” = Accessory Use										Additional use restrictions for Chapters 16.12 and 16.20 BIMC may apply to shoreline or critical area properties									
“C” = Conditional Use	“CA” = Conditional Accessory Use																			
Blank = Prohibited Use	“T” = Temporary Use																			
ZONING DISTRICT	R-0.4	R-1	R-2	R-2.9	R-3.5	R-4.3	R-5	R-6	R-8	R-14	Winslow Mixed Use Town Center					HSR I and II	NC	B/I	WD-I	Use-Specific Standards BIMC 18.09.030
USE CATEGORY/TYPE											CC	MA	EA	Gate	Ferry [1]					
RESIDENTIAL Note: Residential uses may be subject to additional requirements in BIMC 16.12.040.I, Residential Development.																				
Household Living																				
Single-Family Dwelling	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P				B-1
Single-Family Dwelling existing on 4/15/96											P	P	P							B-1
Multifamily Dwellings	C	C	C	C	C	C	P	C	P	P	P	P	P	P	P	P				B-2
Commercial/Residential Mixed Use Developments									P	P	P	P	P	P	P	P				B-3
Live/Work Units																	P			B-4
NEW: Bethany Lutheran Affordable Housing Pilot Project	<u>P</u>																			<u>B-6</u>
PUBLIC AND INSTITUTIONAL																				
Community and Educational Facilities																				
Educational Facility	C	C	C	C	C	C	C	C	C	P	P	P	P	C	C	P	C		C	C-1
Vocational/Trade Instruction Facilities	C																P			
Governmental Facility	C	C	C	C	C	C	C	C	C	P	P	P	P	C	C	P	C		C	C-2
Religious Facility	C	C	C	C	C	C	C	C	C	P	P	P	P	C	C	P	C		C	<u>C-3, B-6</u>

RCW 36.70A.545

Increased density bonus for affordable housing located on property owned by a religious organization.

(1) Any city or county fully planning under this chapter must allow an increased density bonus consistent with local needs for any affordable housing development of any single-family or multifamily residence located on real property owned or controlled by a religious organization provided that:

(a) The affordable housing development is set aside for or occupied exclusively by low-income households;

(b) The affordable housing development is part of a lease or other binding obligation that requires the development to be used exclusively for affordable housing purposes for at least fifty years, even if the religious organization no longer owns the property; and

(c) The affordable housing development does not discriminate against any person who qualifies as a member of a low-income household based on race, creed, color, national origin, sex, veteran or military status, sexual orientation, or mental or physical disability; or otherwise act in violation of the federal fair housing amendments act of 1988 (42 U.S.C. Sec. 3601 et seq.).

(2) A city or county may develop policies to implement this section if it receives a request from a religious organization for an increased density bonus for an affordable housing development.

(3) An affordable housing development created by a religious institution within a city or county fully planning under RCW 36.70A.040 must be located within an urban growth area as defined in RCW 36.70A.110.

(4) The religious organization developing the affordable housing development must pay all fees, mitigation costs, and other charges required through the development of the affordable housing development.

(5) If applicable, the religious organization developing the affordable housing development should work with the local transit agency to ensure appropriate transit services are provided to the affordable housing development.

(6) This section applies to any religious organization rehabilitating an existing affordable housing development.

(7) For purposes of this section:

(a) "Affordable housing development" means a proposed or existing structure in which one hundred percent of all single-family or multifamily residential dwelling units within the development are set aside for or are occupied by low-income households at a sales price or rent amount that may not exceed thirty percent of the income limit for the low-income housing unit;

(b) "Low-income household" means a single person, family, or unrelated persons living together whose adjusted income is less than eighty percent of the median family income, adjusted for household size, for the county where the affordable housing development is located; and

(c) "Religious organization" has the same meaning as in RCW 36.01.290.

[2019 c 218 § 3.]





CITY OF
BAINBRIDGE ISLAND

Planning Commission Special Meeting Agenda Bill

MEETING DATE: January 27, 2022

ESTIMATED TIME: 15 Minutes

AGENDA ITEM: (7:05 PM) PSE Noise Variance- WSDOT SR 305 right-of-way near the intersection of NE Adas Will Ln. (City file no. PLN52157 VAR PSE Noise Variance)

AGENDA CATEGORY: Review and Recommendation

PROPOSED BY: Ellen Fairleigh

PREVIOUS PLANNING COMMISSION REVIEW DATE(S): N/A

PREVIOUS COUCIL REVIEW DATE(S): N/A

RECOMMENDED MOTION:

Suggested Motion: "I move to approve the request for a noise variance to conduct night time power pole replacement in SR 305 right-of-way near the intersection of NE Adas Will Ln. between the hours of 7pm and 7am over a period of four nights during the week of February 28th, 2022."

SUMMARY:

Pursuant to BIMC 16.16.025, construction activities within residential zones or within 100 feet of residential zones shall be prohibited between the hours of 7:00 p.m. and 7:00 a.m. on weekdays that do not constitute legal holidays.

PSE requests a noise variance from this standard to allow replacement of an existing transmission pole in SR-305 right-of-way near the intersection of NE Adas Will Lane (site 1) in order to accommodate WSDOT's planned SR-305 round about project. The pole will be replaced 90 feet north from it's current location (site 2) and a new stub pole will be installed to support the transmission pole in its new location. An additional existing transmission pole will be replaced north of the relocated pole (site 3). All work will occur in WSDOT public rights-of-way. The subject residential zones are R-2 (west of SR-305) and R-0.4 (east of SR-305).

This work requires use of equipment at locations affecting traffic movement on SR305 requiring lane closure and alternating highway traffic with flaggers. To minimize traffic impacts work will be performed outside high traffic volume periods (night work). WSDOT approved traffic control will be in place as required based on construction equipment locations.

PSE plans to perform this work overnight for four nights the week of February 28th from 7:00pm to 7:00am each night. A PSE representative will be present at the Commission's meeting to describe the specific nature of the noise generating activities.

BACKGROUND: A variance from the noise standards may be granted by the Planning Commission (BIMC 16.16.030). No variance shall be granted for longer than 30 days, except after a public hearing has been held. The Planning Commission may, in its discretion, hold a public hearing on any application when substantial public interest is shown.

ATTACHMENTS:



WORK SITE 3
EXISTING POLE 4/6
TO BE REPLACED

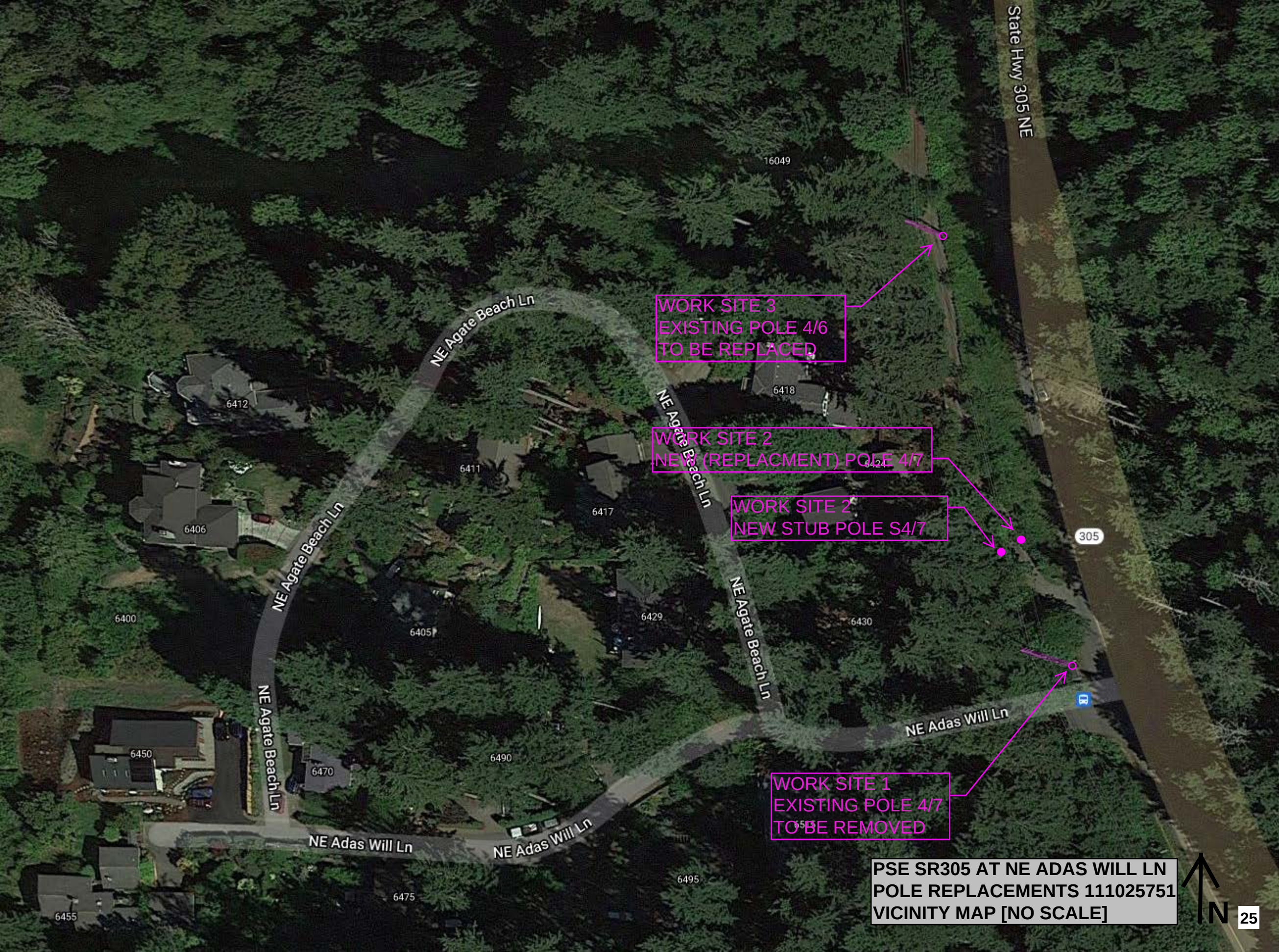
WORK SITE 2
NEW (REPLACEMENT) POLE 4/7

WORK SITE 2
NEW STUB POLE S4/7

WORK SITE 1
EXISTING POLE 4/7
TO BE REMOVED

PSE SR305 AT NE ADAS WILL LN
POLE REPLACEMENTS 111025751
VICINITY MAP [NO SCALE]





WORK SITE 3
EXISTING POLE 4/6
TO BE REPLACED

WORK SITE 2
NEW (REPLACEMENT) POLE 4/7

WORK SITE 2
NEW STUB POLE S4/7

WORK SITE 1
EXISTING POLE 4/7
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PSE SR305 AT NE ADAS WILL LN
POLE REPLACEMENTS 111025751
VICINITY MAP [NO SCALE]





CITY OF
BAINBRIDGE ISLAND

Planning Commission Special Meeting Agenda Bill

MEETING DATE: January 27, 2022

ESTIMATED TIME: 15 Minutes

AGENDA ITEM: Director's Report

SUMMARY: Interim Planning Director Report

AGENDA CATEGORY: Presentation

PROPOSED BY: Planning & Community Development

RECOMMENDED MOTION: Presented by Interim Director Mark Hofman

STRATEGIC PRIORITY:

FISCAL IMPACT:

Amount:

Ongoing Cost:

One-Time Cost:

Included in Current Budget?

BACKGROUND:

ATTACHMENTS:

[PCD Director's Report 01272022.pdf](#)

FISCAL DETAILS:

Fund Name(s):

Coding:



CITY OF
BAINBRIDGE ISLAND

Planning & Community Development Department Director's Report to Planning Commission

January 27, 2022

Hearing Examiner

- Wintergreen Townhomes Decision-

Hearing Examiner Approval w/ Conditions on December 23, 2021.

A Notice of Decision was issued and the required 21-day appeal period expired with one Land Use Petition Act (LUPA) appeal filed for judicial review by neighbor, Virginia Mason.

City Council – looking forward

February 8, 2022

- Public Hearing on Housing Design Demonstration Program Project (Ordinance No. 2022-01)
- Review Approach to Winslow Master Plan Preparation
- Discuss Proposal to Review, Remove, or Substantially Modify BIMC 2.16.210 Subarea Planning Process
- Receive University of Washington Presentation on UW Livable Cities Program for the Winslow Master Plan
- Consider Resolution Updating Building and Development Fees
- Review of Housing Action Plan Scope for Consultant Services
- Accept Housing Action Plan Grant Contract from Dept. of Commerce

Planning Commission – February 10, 2022

- Receive University of Washington Presentation on UW Livable Cities Program for the Winslow Master Plan
- Public Hearing on Religious Facilities Affordable Housing Pilot Program
- 2022 Planning Commission Work Plan Updates

Other Planning Commission Updates

- 2022 Planning Commission Appointments Process
- Climate Action Plan 2022 Implementation Informational Presentation to the Planning Commission

Thank you!